

SENATE BILL 772

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2004 Regular Session
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By: **Senators Lawlah, Astle, Currie, Forehand, Frosh, Garagiola, Gladden,
Green, Grosfeld, Hogan, Hollinger, Jones, Kasemeyer, Kramer,
Middleton, and Ruben**

Introduced and read first time: February 13, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Child Welfare Workforce Initiative of 2004**

3 FOR the purpose of requiring the Secretary of Human Resources and the Secretary of
4 Budget and Management to develop certain caseload ratios using certain
5 criteria; requiring the Secretary of Human Resources and the Secretary of
6 Budget and Management to submit a report on a plan for implementation of
7 reduced caseload ratios on or before a certain date; requiring the Secretary of
8 Human Resources to employ a certain number of caseworkers and casework
9 supervisors on or before a certain date; requiring the Governor to include certain
10 funding in the State budget for certain fiscal years to increase the number of
11 caseworkers and casework supervisors; repealing certain obsolete provisions;
12 and generally relating to the Child Welfare Workforce Initiative.

13 BY repealing and reenacting, with amendments,
14 Article 88A - Department of Human Resources
15 Section 3A
16 Annotated Code of Maryland
17 (2003 Replacement Volume)

18 Preamble

19 WHEREAS, The caseload reduction goals of the Child Welfare Workforce
20 Initiative of 1998 have not been achieved; and

21 WHEREAS, Higher child welfare caseloads experienced in the past 6 years place
22 children in serious jeopardy; and

23 WHEREAS, Failure to reduce caseloads erodes the quality of case management,
24 leads to inappropriate placements, and compromises children's well-being; and

25 WHEREAS, Rising caseloads have been a major barrier to permanent
26 placement for children in out-of-home care, leading to a serious drop in the number
27 of children adopted in fiscal year 2003; and

1 WHEREAS, The General Assembly finds that excessive child welfare caseloads
2 constitute an emergency; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 88A - Department of Human Resources**

6 3A.

7 [(a) By December 31, 1998, the Secretary of Human Resources shall develop
8 and implement a comprehensive plan for the recruitment, training, and retention of
9 caseworkers and casework supervisors who meet the requirements of this section.

10 (b)] (A) On or after January 1, 1999, the Secretary:

11 (1) Shall hire as caseworkers only human services professionals, such as
12 the following:

13 (i) Social workers licensed in accordance with Title 19 of the
14 Health Occupations Article;

15 (ii) Psychologists licensed in accordance with Title 18 of the Health
16 Occupations Article;

17 (iii) Professional counselors certified in accordance with Title 17 of
18 the Health Occupations Article;

19 (iv) Nurses licensed in accordance with Title 8 of the Health
20 Occupations Article;

21 (v) School psychologists certified in accordance with regulations
22 adopted under Title 6, Subtitle 7 of the Education Article; and

23 (vi) Human service workers who must have a degree in an
24 appropriate behavioral science, who have completed the mandatory preservice
25 training and competency test, and who are supervised by licensed social workers; and

26 (2) May retain existing permanent employees without the qualifications
27 specified in item (1) of this subsection, provided that the Secretary finds that the
28 employees are satisfactorily performing their duties.

29 [(c)] (B) The Secretary:

30 [(1) By December 31, 1998, shall develop and implement a preservice
31 training curriculum and competency test for newly employed caseworkers;

32 (2)] (1) Shall require that on or after January 1, 1999, all new casework
33 staff:

34 (i) Be hired provisionally;

1 (ii) Complete a 40-hour preservice training program; and

2 (iii) Pass a competency test before being granted permanent
3 employment status; AND

4 [(3) Shall develop and implement a mandatory in-service training
5 program and competency testing program for caseworkers employed on or before
6 December 31, 1998, through which caseworkers:

7 (i) Complete the required training program; and

8 (ii) Pass a competency test before December 31, 1999, in order to
9 continue their employment; and

10 (4)] (2) By January 1, 1999, shall develop and implement a set of
11 mandatory standards for continuing education for all caseworkers and casework
12 supervisory staff, mandating that employees who fail to obtain the required
13 continuing education credits shall be subject to disciplinary action including
14 demotion, suspension, and dismissal.

15 [(d)] (C) (1) The Secretary may not hire professional caseworkers or
16 casework supervisors on a contractual basis after June 30, 1999, and may not employ
17 professional caseworkers or casework supervisors on a contractual basis after June
18 30, 2000, except as may be required to meet an unanticipated need resulting from:

19 (i) A significant and unexpected increase in reports of child abuse
20 and neglect; or

21 (ii) A significant and unexpected increase in the foster care or
22 kinship caseload, or both.

23 (2) No professional caseworker or casework supervisor contractual
24 position may exist longer than 1 year.

25 [(e)] (D) Whenever the Secretary contracts with an outside entity for the
26 provision of casework services, the Secretary shall require the contractor to meet all
27 employment qualifications, training curriculum, preservice and in-service training
28 requirements, and competency testing required under this section.

29 (E) THE SECRETARY AND THE SECRETARY OF BUDGET AND MANAGEMENT:

30 (1) SHALL DEVELOP APPROPRIATE CASELOAD RATIOS USING THE
31 RATIOS RECOMMENDED BY THE CHILD WELFARE LEAGUE OF AMERICA; AND

32 (2) ON OR BEFORE NOVEMBER 1, 2004, SHALL, SUBJECT TO § 2-1246 OF
33 THE STATE GOVERNMENT ARTICLE, SUBMIT A REPORT ON A PLAN FOR
34 IMPLEMENTATION OF REDUCED CASELOAD RATIOS TO:

35 (I) THE GOVERNOR;

36 (II) THE SENATE BUDGET AND TAXATION COMMITTEE;

1 (III) THE SENATE FINANCE COMMITTEE; AND

2 (IV) THE HOUSE APPROPRIATIONS COMMITTEE.

3 (F) THE SECRETARY:

4 (1) SHALL EMPLOY A NUMBER OF CASEWORKERS AND CASEWORK
5 SUPERVISORS SUFFICIENT TO MAINTAIN THE CASELOAD RATIOS DEVELOPED
6 UNDER SUBSECTION (E) OF THIS SECTION;

7 (2) ON OR BEFORE DECEMBER 1, 2005, SHALL FILL ALL APPROPRIATED
8 CASEWORKER AND CASEWORK SUPERVISOR POSITIONS, INCLUDING PREEXISTING
9 POSITIONS AND POSITIONS ADDED IN ACCORDANCE WITH SUBSECTION (G)(1) OF
10 THIS SECTION; AND

11 (3) ON OR BEFORE DECEMBER 1, 2006, SHALL FILL ALL APPROPRIATED
12 CASEWORKER AND CASEWORK SUPERVISOR POSITIONS, INCLUDING PREEXISTING
13 POSITIONS AND POSITIONS ADDED IN ACCORDANCE WITH SUBSECTION (G)(2) OF
14 THIS SECTION.

15 (G) (1) FOR FISCAL YEAR 2006, THE GOVERNOR SHALL INCLUDE FUNDING IN
16 THE STATE BUDGET TO INCREASE THE NUMBER OF CASEWORKERS AND CASEWORK
17 SUPERVISORS BY AT LEAST 200.

18 (2) FOR FISCAL YEAR 2007, THE GOVERNOR SHALL INCLUDE FUNDING IN
19 THE STATE BUDGET TO INCREASE THE NUMBER OF CASEWORKERS AND CASEWORK
20 SUPERVISORS TO ACHIEVE REDUCED CASELOAD RATIOS ESTABLISHED IN THE
21 REPORT SET FORTH IN SUBSECTION (E)(2) OF THIS SECTION.

22 (3) FOR EACH FISCAL YEAR AFTER FISCAL YEAR 2007, THE GOVERNOR
23 SHALL INCLUDE SUFFICIENT FUNDING IN THE STATE BUDGET TO MAINTAIN
24 CASELOAD RATIOS ESTABLISHED IN SUBSECTION (E)(1) OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2004.